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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/625,268   | 07/23/2003  | Sudhir Bhatia        | 1570/SYMBP160US     | 8415             |
| 23623  | 7590        | 01/24/2006           | EXAMINER            |                  |
| AMIN & TUROCY, LLP<br>1900 EAST 9TH STREET, NATIONAL CITY CENTER<br>24TH FLOOR,<br>CLEVELAND, OH 44114 |             |                      | NGUYEN, KIMBERLY D  |                  |
|  |             | ART UNIT             | PAPER NUMBER        |                  |
|  |             |                      | 2876                |                  |

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                    |               |
|------------------------------|--------------------|---------------|
| <b>Office Action Summary</b> | Application No.    | Applicant(s)  |
|                              | 10/625,268         | BHATIA ET AL. |
|                              | Examiner           | Art Unit      |
|                              | Kimberly D. Nguyen | 2876          |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 November 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14, 16 and 18-32 is/are pending in the application.
- 4a) Of the above claim(s) 18-21 and 23-26 is/are withdrawn from consideration.
- 5) Claim(s) 1-14, 16 and 27-32 is/are allowed.
- 6) Claim(s) 22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### *Amendment*

1. Acknowledgment is made of Amendment filed November 22, 2005.

### *Specification*

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because "The disclosure" on line 1 should be deleted. Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 22 is rejected under 35 U.S.C. 102(b) as being anticipated by Koenck et al. (US 5,410,141; hereinafter "Koenck").

Re claim 22: Koenck teaches a mobile terminal comprising  
a top housing configured to accept an accessory for the mobile terminal via an interface  
means affixed to an accessory compartment of the top housing;

a bottom housing with a handle configured to be held in the palm of a hand; and a keypad with alerting means being activated upon a change of mode or function of the mobile terminal, as to alert a user of the change (e.g., actuating the keyboard to input data and displaying the input data on the display to alert a user of a change/input).

***Allowable Subject Matter***

6. Claims 1-14, 16, and 27-32 are allowed.
7. The following is an examiner's statement of reasons for allowance:

Koenck teaches a housing for a mobile terminal comprising a top portion configured to accept an accessory (e.g., battery pack) for a mobile terminal with a bar code reader, through a rail frame affixed to an accessory compartment of the top portion ("Battery compartment hatch 27 attaches to the bottom housing part 12 of terminal 10 through the interlocking and meshing of railings on both the battery compartment hatch 27 and bottom housing part 12." col. 8, lines 19-23), the rail frame comprising a mounting component that engages with the accessory and guides the accessory into the compartment (e.g., "In place of the battery arrangement 28, the batteries can be mounted in an enclosed drawer part with square and round edges, which slides endwise into a receiving compartment..." col. 8, lines 50-53+), the rail frame further comprising a locking component (88 in fig. 2) that engages the accessory within the top portion (col. 8, lines 19-63); and a bottom portion with a handle (314) configured to be held in the palm of a hand (col. 18, lines 55-59; col. 5, line 66 through col. 8, line 63).

Chang et al. (US 2005/0011951; hereinafter "Chang") teaches an optical scanner having a guiding rail to constrain the carrier to move along the guiding rail, wherein the guiding rail is fabricated using metal.

However, Koenck and/or Chang et al., taken alone or in combination thereof, fails to specifically teach the top portion adapted to accept a key pad via a transitional frame, the key pad has a width larger than a width of the top portion of the housing as set forth in the independent claim(s).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

***Response to Arguments***

8. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "...if during operation a key that changes an operation mode for the unit is being pressed, the a portion of the key pad illuminates via LED(s), as to alert a user of the selected mode of operation. By observing the illuminating color or brightness on the keypad surface, a user can readily ascertain the mode selected for the unit and prepare accordingly." see page 10, lines 11-15) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Accordingly, given its broadest reasonable interpretation, the examiner respectfully submits that Koenck meets the claimed invention.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 571-272-2402. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KDN  
January 16, 2006



MICHAEL G. LEE  
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